

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 18, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.16-2-14.7

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 2/28/2017

Date Review Received: 3/7/2017

Item: *CONGREGATION BETH ROCHEL/145 SADDLE RIVER ROAD (R-2351B)*

Site plan for installation of a permanent modular school building on piers and retention of a temporary modular building as a permanent building on a 9.721-acre school site in the R-15A zoning district.

East side of Saddle River Road, 250 feet north of Old Nyack Turnpike; north side of Old Nyack Turnpike, 175 feet west of Saddle River Road.

Reason for Referral:

Saddle River Road (CR 73), Old Nyack Turnpike (CR 52), Monsey Glen Park, New York State Thruway, NYS Route 59, NYS Route 306, Village of Airmont

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 A review must be completed by the Rockland County Highway Department and all required permits obtained.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 15, 2017.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of March 20, 2017.
- 4 The Village of Airmont is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 490 feet southwest of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Airmont must be given the opportunity to review the proposal and provide any concerns related to the project to the Town of Ramapo.

CONGREGATION BETH ROCHEL/145 SADDLE RIVER ROAD (R-2351B)

5 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed modular building must be held to the requisite minimum standards and comply with all requirements of this code.

6 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

7 It appears that three existing modular buildings will be retained. Modular "A" and "C" are proposed to be relocated to the north side of the new permanent modular building. Modular "B" will remain in its current location. The project narrative indicates that only one temporary modular building will be retained. This must be clarified as three existing modular buildings are illustrated on the current site plan.

8 There shall be no net increase in the peak rate of discharge from the site at all design points.

9 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

10 The tax identification number for the subject site is 56.16-2-14.7. The wrong tax block and lot information is indicated in Map Note 1 on the site plan. All application materials must be correct and consistent.

11 A parking calculation must be provided as the classroom space is increasing, and additional parking may be required.

12 Since the site is immediately adjacent to the proposed Monsey Park and Ride, a review shall be completed by the Rockland County Department of Public Transportation and their concerns, if any, addressed.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Rockland County Division of Environmental Resources
New York State Thruway Authority
New York State Department of Transportation
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Rockland County Department of Public Transportation
Sparaco & Youngblood, PLLC
Village of Airmont

Bais Rochel of Monsey

CONGREGATION BETH ROCHEL/145 SADDLE RIVER ROAD (R-2351B)

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

